

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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2006 AUG -7 P 4: 53

WILLIE MCNAIR,

Plaintiff,

v.

RICHARD ALLEN, Commissioner
Alabama Department of Corrections,

GRANTT CULLIVER, Warden,
Holman Correctional Facility, and

OTHER UNKNOWN EMPLOYEES
AND AGENTS,
Alabama Department of Corrections,

Individually, and in their
official capacities.

Defendants.

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Case No. 2:06CV095-WKW

MOTION TO PROCEED IN FORMA PAUPERIS

Petitioner Willie McNair respectfully moves this Court, pursuant to 28 U.S.C. § 1915, for leave to proceed in this matter *in forma pauperis*, without prepayment of costs or fees. In support of this motion, Mr. McNair states the following:

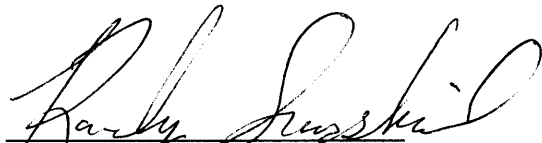
1. This Court declared Mr. McNair indigent and permitted him to proceed *in forma pauperis* in the recent related case of McNair v. Campbell, No. 1:98cv915-T (M.D. Ala. 2005). In addition, Mr. McNair proceeded *in forma pauperis* on appeal from this Court at the Eleventh Circuit Court of Appeals and at the United States

Supreme Court. Since his appeal ended earlier this year, Mr. McNair's financial status has not changed.

2. Undersigned counsel currently is attempting to obtain a statement of Mr. McNair's prison account from Holman Correctional Facility. As soon as counsel receives the account statement, counsel will file it with the Court along with an affidavit from Mr. McNair swearing that he is indigent.

For these reasons, Mr. McNair respectfully requests that the Court grant him leave to proceed in this matter *in forma pauperis*, without prepayment of costs or fees.

Respectfully submitted,



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Counsel for Plaintiff

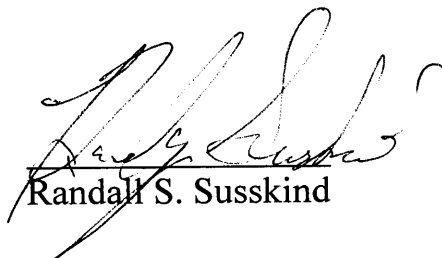
August 7, 2006

CERTIFICATE OF SERVICE

I certify that on August 7, 2006, I served two copies of this complaint by first-class mail to:

Richard Allen
Commissioner
Alabama Department of Corrections
301 S. Ripley St.
P.O. Box 301501
Montgomery, AL 36130-1501

Grantt Culliver
Warden
Holman Prison
Holman 3700
Atmore, AL 36503-3700



Randall S. Susskind